

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RYAN KERWIN

'06 SEP 13 10:57 : CASE #05-93 ERIE

VS.

CLERK : MAGISTRATE JUDGE SUSAN BAXTER
U.S. DISTRICT COURT :

LT. WILLIAM MCCONNELL

: DISTRICT JUDGE SEAN MCLAUGHLIN

MOTION FOR COURT TO ENTER SUMMARY JUDGEMENT
IN FAVOR OF THE NON-MOVING PARTY (PLAINTIFF)

1. The defendant filed a motion for summary judgement in the above case on March 3, 2006.
2. Plaintiff filed a brief in opposition to the motion for summary judgement on March 19, 2006.
3. The defendant's motion for summary judgement, it's supporting affidavits, statement of undisputed facts, etc... raise absolutely no genuine issue as to any material fact sufficient to permit a jury to return a verdict in his favor.
4. Rather, in plaintiff's response to the motion for summary judgement, he shows both that the material facts necessary to support his claims are not in dispute and that he is entitled to judgement as a matter of law.

WHEREFORE, plaintiff respectfully requests that this honorable court, upon resolution of the defendant's motion for summary judgement, enter summary judgement in favor of plaintiff (the non-moving party).

Respectfully submitted,

9/10/06

Date

Ryan Kerwin

Ryan Kerwin

DZ0246

S.C.I. Albion

10745 Route 18

Albion, PA. 16475-0002

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VS. : MAGISTRATE JUDGE SUSAN BAXTER
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LT. WILLIAM MCCONNELL(: DISTRICT JUDGE SEAN MCLAUGHLIN

CERTIFICATE OF SERVICE

I hereby declare that I mailed a true and correct copy of the attached motion for court to enter summary judgement in favor of the non-moving party (plaintiff) to the defendant's counsel at the following address:

Mariah L. Passarelli
Office of Attorney General
6th floor, Manor Complex
564 Forbes Ave.
Pittsburgh, PA. 15219

9/10/06

Date

Ryan Kerwin

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